



Hanover Conservation Commission

RULES AND REGULATIONS FOR TOWN OF HANOVER

WETLANDS PROTECTION BY-LAW 6-14

OCTOBER, 1993

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† As per the 7/12/00 vote of the Conservation Commission concerning Section VIII. C. (1) Public Hearing Format which states that “All public hearings held by the Commission shall be tape-recorded”, the Conservation Commission will no longer audio-tape Conservation Commission meetings.

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I. INTRODUCTION

These rules and regulations are promulgated by the Hanover Conservation Commission pursuant to the authority granted under Section 7 of the Hanover Wetlands Protection By-Law #6-14. The purpose of these rules and regulations is to complement the By-Law by establishing standard criteria, definitions and procedures by which the Hanover Conservation Commission can carry out its responsibilities (unless otherwise indicated in these rules and regulations or in By-Law #6-14, definition of terms shall be identical to those definitions given in 310 CMR 10.00). The rules and regulations are referenced to specific sections of Hanover By-Law #6-14; in some instances references to authority granted under regulations for MGL C.131, S. 40 (The Wetlands Protection Act) are given in parentheses. In most cases, requirements already clearly given in the By-Law will not be repeated in these rules and regulations. These rules and regulations shall take effect on October 1, 1993 and shall apply to all applications and requests filed on or after that date.

II. APPLICABILITY

- A. ALL PERMIT APPLICATIONS SUBMITTED TO THE HANOVER CONSERVATION COMMISSION shall be governed by these rules and regulations: In instances where these rules and regulations are more stringent than 310 CMR 10.00, these local rules and regulations shall prevail [see 310 CMR 10.01 (2)]. Significant differences between these regulations and 310 CMR 10.00 are indicated by a delta sign (Δ).
- B. ANY ACTIVITY DEFINED UNDER HANOVER WETLANDS REGULATIONS Section V.A & B. PROPOSED OR UNDERTAKEN is subject to regulation under the By-Law and requires the filing of a Notice of Intent.
- C. ANY ACTIVITY PROPOSED OR UNDERTAKEN OUTSIDE THE AREAS SPECIFIED IN HANOVER WETLANDS REGULATIONS Section V.A. shall not be subject to regulation under the By-Law unless, in the judgment of the Conservation Commission, said activity will result or has resulted in removing, filling or altering an area specified in HANOVER WETLANDS REGULATIONS, Section V.A.

III. GENERAL PROVISIONS

- A. BURDEN OF PROOF AND GOING FORWARD (Section 11 of By-Law #6-14)
 - 1. The applicant shall have the burden of going forward with credible source in support of all matters asserted by the applicant in accordance with his/her burden of proof.
 - 2. The applicant shall have the burden of proving by clear and convincing evidence that the proposed work, as described in the NOI and presented at a Public Hearing, will protect the interests of the By-Law. Failure to meet the Burden of Proof shall be cause for the Commission to issue a denial on the proposal.

- B. FOR GROUNDWATER PROTECTION, THE STRICTEST STATUTES IN EXISTENCE SHALL BE IN EFFECT. Applicants shall refer to and apply the latest copy of Zoning By-Law for the Town of Hanover, Section III DISTRICTS Par.A through B 2.d; Section VI USE REGULATIONS A. Floodplain, Wetland and Watershed Protection District VI.A. through VI. A.6.e; VI.G. 7 Wetlands Setbacks (see #1. below); VI.H.1 Water Resource District through V1.H.7.C. In addition to all other rules and regulations specifically governing activity in the Aquifer and Well Protection Districts the following shall be adhered to throughout the Town of Hanover.
1. Septic Systems: The Hanover Conservation Commission will endeavor with these regulations to support the Hanover Board of Health and to ensure maximum protection of the interests outlined under the local wetland By-Law. The presumptions of significance adopted by the State Wetlands Regulations 310 CMR 10.03(3) correspond to public health standards more than environmental protection and are not adopted in these local wetlands regulations. As related to septic-derived contaminants, the regulations are meant to complement local health regulations although authorized and administered separately.
 - a. Any new septic system shall be placed at least 100 feet from wetland resource areas.
 - b. When upgrading, replacing or repairing existing septic systems, (or replacing a cesspool), leaching facilities shall be placed as far as possible and no closer than 50 feet from the wetland resource. (No dwelling or structure may be enlarged unless these standards can be met.)
 2. Use of hazardous, toxic, flammable fluids and compounds such as but not limited to petroleum products, paints, chemicals, dyes, inks, detergents, fertilizers, herbicides or any other potential pollutant shall be as follows:
 - a. No storage either above or under ground shall be within 100' of any wetland resource.
 - b. All floor drains, shall be discharged to a tight collection tank and taken away by a licensed waste hauler. Floor drains shall not discharge to a septic system, storm drain, dry well, or other surface or subsurface discharge point.
 - c. New commercial, retail, or industrial buildings in which materials on the Massachusetts Substance List will be used or stored shall have areas designed and built to contain any spills and to ensure no discharge of spilled substances. Materials used in cleaning up spills will be handled and disposed of in the same manner as the substances themselves.
 3. Discharge from car washes, dry cleaners, beauty shops, printing shops, establishments, auto service stations etc. shall be not be allowed to enter a wetland resource including groundwater.
 - a. All catchbasins within 100 feet of a wetland resource shall have a gas trap (specs.)

- b. Fluids containing any pollutants will not be discharged into wetland resource, the 100 foot buffer of a resource, or into outside catchbasins or drains or in any manner which could permit entrance into groundwater or other wetland resource by accident or deliberate vandalism.
- c. Water used to clean containers, air-conditioning systems, equipment, vehicles, swimming pools and buildings (where a spill has occurred) shall be treated as hazardous material and cleaned up and disposed of as such and removed from the site by a licensed hauler. All such work shall be done within a building designed to capture and separate all waste discharging into a waste container which will be subsequently disposed of by a licensed professional hazardous waste firm.

4. Pesticides, Herbicides, and Fertilizers

A warning about limiting the use of pesticides, herbicides, and fertilizers shall be placed on the plan for each house lot within the Aquifer Protection District filing with the Commission.

5. Aquifer Protection District (APD)

In order to protect groundwater and surface water in the APD, no existing non-conforming building, lot, or use of same shall be made even more non-conforming.

- a. Buildings, Structures, and Parking areas on any lot not meeting minimum size standards for APD Zoning By-Law for the Town of Hanover, VI.H. 1- H.7.c inclusive and required by Title 5 shall not be enlarged unless the capacity, location, and design of the existing septic disposal system meets all local and State requirements at the time of application.
- b. No existing septic system within the APD shall be enlarged on any lot not meeting Hanover APD and Title 5 minimum size requirements at the time of application unless entirely new concepts have been developed which adequately protect the environment in the judgment of the Commission.
- c. Repair or upgrading of an existing system, without increasing the building's size or intensifying its use, to allow continuing existing permitted use will be presumed to improve protection of groundwater and is allowed with filing a Request for Determination.
- d. On lots which meet APD size, any change to existing parking areas, stormwater drainage systems, building size or shape or any changes therein to enable more intensive or extensive use of the foregoing within the APD shall require a site plan be submitted for the entire site, and the project shall meet current design standards of 310 CMR, this By-Law and its Regulations and all other applicable Federal, State, and Town of Hanover Zoning and Health By-Laws and Regulations governing change of use and development of land and buildings.
- e. All rainwater which falls on paved areas or other impervious materials shall be channeled or otherwise directed before allowed to recharge the

groundwater through oil and grease traps and sediment traps satisfactory to the Board of Public Works.

6. Notations On Site, Subdivision, And Septic System Plans

- a. To prevent damage from ignorance of the law on the part of owners, contractors, workers etc. each plan submitted for wetlands filings in Hanover shall include specific notations about preventative measures contained in Section B.
- b. The notations shall conclude with the following: "These measures are ongoing and run with the land. They do not expire with issuance of a Certificate of Compliance."

IV. REGULATIONS FOR BY LAW #6-14 SECTION 1: "PURPOSE"

Section I of By-Law #6-14 establishes the "wetlands interests" protected by this By-Law. These wetlands values include the following:

- public and private water supply
- groundwater
- erosion and sedimentation control Δ
- storm damage control
- water pollution control
- rare and endangered species habitat
- fisheries
- wildlife habitat
- recreation Δ
- aesthetics Δ
- agriculture Δ
- shellfish habitat

V. REGULATIONS FOR BY LAW #6-14 SECTION 2: "JURISDICTION"

A. Areas Subject to Protection Under By-Law #6-14

1. Area within 100 feet of any freshwater wetland, swamp, estuary, lake, pond, bank, marsh, wet meadow, vernal pool, stream, storm water storage area or land subject to flooding whether bordering or isolated.
2. Any land under any of the above waters.
3. Area within 100 feet of any land subject to flooding or inundation by groundwater, surface water or tidal action.
4. The Riverfront Area which is defined as the area of land between a river or perennial stream's annual high water line and a parallel line measured horizontally and extending 200 feet.

B. Activities Subject to Regulation Under By-Law #6-14

- removal of material
- dredging
- alteration (For definition see Section 8 of By-Law)
- filling
- building

C. Wetland Setback Regulations

1. Purpose of this Regulation

Scientific research and the Commission's experience in reviewing a wide variety of projects demonstrate that activities within the wetlands Buffer Zone have a high likelihood of resulting in some alteration of that area, either immediately as a consequence of construction, or over a longer period of time as a consequence of daily operations of the completed project. These alterations include, but are not limited to, disturbance of natural

Δ Values not included in 131, 40. The Commission may, from time to time, identify additional wetland values subject to protection by this By-Law.

vegetation along the wetlands boundary, run-off of pollutants, placement of fill material and other substances within the wetland, stockpiling or dumping of materials or debris which migrate over time into the wetlands, and disturbance of wildlife habitat, such as nesting sites and corridors which are important to wetland species. Accordingly, the intent of this regulation is to enable the Commission to fully review and evaluate activities within the Buffer Zone to determine whether any alteration of the neighboring resource area will occur and whether any resulting alteration is in compliance with other applicable performance standards.

2. Definition and Critical Characteristics

a. Definition

The Buffer Zone is that area of land extending 100 feet horizontally outward for the boundary of any freshwater wetland, revering wetland, marsh, wet meadow, bog, swamp or kettle hole; and any bank, lake, river, pond, stream, estuary or vernal pool; any land under said waters; or any land subject to flooding or inundation by groundwater, surface water, or tidal action.

b. Critical Characteristics

Where surface runoff or groundwater from the Buffer Zone drains toward the resource area, vegetative cover and soils may filter runoff and provide uptake or renovation of pollutants from adjacent areas, thereby protecting water quality within the resource area. The vegetation and soils may slow surface runoff and permit infiltration of precipitation, maintaining the hydrologic regime to which the resource are is adapted.

Where the surface water or ground water from the Buffer Zone do not drain toward the resource area, the topography and soils characteristics may help to control the surface and groundwater regime in the resource area.

Where the Buffer Zone includes areas of undisturbed natural vegetation, these areas may be important for maintaining the wildlife habitat values of the resource area. Buffer Zones are important for wetland wildlife as foraging sites, wildlife corridors, hibernation sites, breeding and nesting sites, and also protect wetland wildlife from noise and other disturbances.

3. Presumption

Based on experience to date with projects in the Buffer Zone, the Commission shall presume that work in the categories below, within the tabulated distances from a resource area, will result in alteration of the resource area. This presumption is rebuttable and may be overcome upon a clear showing that the nature of the proposed work, special design measures, construction controls, or site conditions will prevent alteration of the resource area. Depending on site conditions and project characteristics, the Commission may also find that work at greater distances from the resource area will alter the resource area. For the purposes of the table below: "Work" means filling, excavation, grading, operation of motorized construction equipment, and storage or stockpiling of earth or construction materials; and building means a structure requiring a building permit.

TYPE OF PROJECT	LIMIT OF WORK	LIMIT OF BUILDING
Residential lot ¹	25 ft.	35 ft.
Subdivision lot ²	35 ft.	
Commercial/Industrial	35 ft.	50 ft.
Driveways and utilities	25 ft. ³	
Other roads	25 ft. ³	
Vernal Pools	50 ft.	75 ft.

The following activities within the Buffer Zone are presumed not to alter a resource area. This presumption is rebuttable and may be overcome when the nature of the work or site conditions will result in an alteration of the resource area unless special preventive measures are taken. As with any work in the Buffer Zone, the activities below still require (as a minimum) filing of a Request for Determination of Applicability in order for the Conservation Commission to determine if these presumptions apply.

- a. Discharge of subsurface drainage from a single residential lot or residential building.
- b. Discharge of roof and driveway runoff from a total impervious area of less than 4000 square feet (per project) meeting the above Separation distances.

¹ and subdivision lots for which an Order of Conditions was issued prior to December 16, 1998

² with lot preparation done in conjunction with road construction

³ except for permitted crossings

- c. Mowing or cutting vegetation within 25 feet of the resource area provided that soil is not exposed to erosion and that sod cover or natural litter layer is maintained.
 - d. Landscape plantings, provided that areas disturbed are mulched immediately and there is no change in grade.
 - e. Construction or installation of fences or structures not requiring a building permit.
 - f. Percolation tests or soil borings carried out to gather information for submittal with an Application for a Permit.
4. General Performance Standards
- a. One of the following must apply:
 - 1) Any work within the Buffer Zone shall not result in alteration of any resource area, or
 - 2) If work within the Buffer Zone which alters a resource area is permitted by the Commission, the alteration of the resource shall comply with the applicable performance requirements for the altered resource area and any other conditions the Commission may require to enforce those performance standards.

VI. REGULATIONS FOR BY LAW #6-14, SECTION 3: “EXCEPTIONS”

The only exceptions allowed under these Regulations are the two given in Section 3 of By-Law #6-14. All other "exceptions" and "limited projects" listed in 310 CMR 10.53 (3) shall require applications and permits as indicated in the By-Law and these rules and regulations.

VII. REGULATIONS FOR BY LAW #6-14, SECTION 4: “PERMIT APPLICATIONS AND REQUESTS FOR DETERMINATION”

A. REQUEST FOR DETERMINATION OF APPLICABILITY Δ

1. For Activity in a Buffer Δ

Δ One will note that the “buffer zone” as defined in 310 CMR 10.02 (2)(b) does not exist in this By-Law; instead these areas are included as resource areas and are subject to protection and regulation.

2. For determining if an area is subject to protection under By-Law.

At the same time a person requests under MGL 131, 40, the applicant must file for the same request under By-Law for which there shall be a fee as designated on the By-Law Fee Schedule. In cases where it is determined that the area is subject to the Act, prior to any work taking place at the site, the

applicant shall follow the usual filing procedure for any activity under the Commission's jurisdiction.

B. APPLICATION FOR A NEW SINGLE FAMILY DWELLING or alteration to an existing single family home, including but not limited to addition, appurtenant structure, septic system repair, paving, landscaping, swimming pool.

1. Seven (7) copies of plan meeting requirements listed in Section VII.E. of these Regulations.
2. Seven (7) copies of By-Law Permit Application (also referred to as Notice of Intent - NOI) with a written description of proposed activity, its impact on wetland values (Section IV.), and methods for preventing wetland alteration. One-word answers are unacceptable.

If the applicant contends that there will be no effect on wetlands interests, he must demonstrate why there will be no effect.

3. For new single family dwelling final septic system plan approved by Hanover Board of Health meeting current Town of Hanover Rules & Regulations for Septic systems, otherwise the latest plan for updating septic which shall meet at least Title 5 requirements.
4. A copy of completed notification form and a list of abutters (names and addresses). Evidence (white certified mail slips) that abutters have been notified of the upcoming hearing must be submitted at least 5 days prior to the scheduled hearing. Bring green receipts to the hearing. Alternatively, the applicant may collect the signatures of abutters demonstrating they have been notified in person.
5. Checks (Δ) to the Town of Hanover for:
 - a. By-Law Fee - See By-Law Fee Schedule
 - b. Guaranteed Deposit Fund (if required)

Δ These checks are in addition to those required under MGL 131, 40.

C. APPLICATION FOR RESIDENTIAL OR COMMERCIAL SUBDIVISION.

APPLICATION FOR A SUBDIVISION SHALL BE FOR THE ROADWAY, UTILITIES AND DRAINAGE SYSTEM ONLY. DEVELOPMENT OF INDIVIDUAL LOTS REQUIRE SEPARATE FILINGS.

1. Seven (7) copies of the Definitive Subdivision Plans as required by the Hanover Planning Board supplemented with plans showing pre-construction and post-construction drainage areas, plans and construction details for the entire stormwater management devices i.e. detention basins, swales, leaching structures etc. and wetland filling and replication, of proposed activity and its impact on those interests listed in Section IV.

SEE SECTION VII.F. GUIDELINES FOR DETENTION/INFILTRATION BASINS for detailed submission requirements.

2. Seven (7) copies of the drainage calculations with hydrographs.
3. Seven (7) copies of By-Law Permit Application (Notice of Intent - NOI) with a written description of proposed activity and its impact on all resource areas.
4. Photos of existing site keyed to site and labeled with date, address and direction of view, if required.
5. Checks (Δ) to the Town Of Hanover for the following:
 - a. Check for Guaranteed Deposit Account for submission review by consultants (Minimum \$500 or one percent of projected total project cost, whichever is greater).
 - b. Check for By-Law Fee (See By-Law Fee Schedule for amount).

Δ These checks are in addition to those required under MGL 131,40.

6. Botanical classification of wetland and evaluation of wildlife habitat to be altered, also Environmental Impact Report (EIR) if required.
7. A detailed work sequence with procedure for excavating, re-grading, replanting and monitoring the wetlands, replication and the wildlife habitat.

If required, the proposed wetland mitigation program shall be observed and supervised by a qualified Wetland Scientist. The Applicant shall submit for Commission approval the name, address and qualifications of the Wetlands Scientist to be employed by the Applicant.

If required, a Mitigation Area Monitoring Report shall be submitted to the Commission annually by the Applicant for a minimum period of four years or until issuance of a Certificate of Compliance. Each report shall include a description of the methods used in the analysis, an observed species list, relative abundance of each species, percent cover of wetland and upland species determined by quantitative analysis methods, the viability of the plantings, photographs taken on at least a biannual basis, identified problems and proposed remedial measures, if any, to ensure proper establishment of the mitigation areas. If remedial measures are recommended, the Applicant's Wetland Scientist shall develop a corrective plan of action that shall be submitted to the Commission for approval, and implemented by the Applicant under the supervision of the Wetland Scientist.

8. A copy of the completed abutter notification form with a list of abutters (names and addresses). Evidence (white slips) that abutters have been notified by certified mail must be received at least 5 days prior to the scheduled hearing. Bring green receipts to hearing. (Alternatively, the applicant may collect the signatures of abutters demonstrating they have been notified in person.)

9. Draft of home-owner's agreement or maintenance agreement for future maintenance of stormwater detention area, if required.
10. Draft of deed to any parcels of land or conservation restrictions to be transferred to the Town of Hanover, if required.
11. Evidence to other Town Boards as is necessary i.e. Planning Board, Board of Health, Board of Public Works, Building Department, Board of Appeals and Selectmen.

D. APPLICATION FOR NEW COMMERCIAL, RETAIL AND INDUSTRIAL SITE DEVELOPMENT or alterations to existing structure, paving, access, septic, drainage patterns or structures, landscaping, and grading.

Requirements are the same as Section C for residential or commercial subdivisions.

E. PLANS

UNLESS EXEMPTED IN WRITING BY THE COMMISSION OR ITS AGENT, EACH NOTICE OF INTENT AND REQUEST FOR DETERMINATION SHALL BE ACCOMPANIED BY PLANS CONTAINING THE FOLLOWING INFORMATION AS APPLICABLE TO TYPE OF PROJECT.

1. PLAN FOR SINGLE FAMILY DWELLING:

Plans for a NEW single family dwelling shall meet the requirements of Title 5 (septic systems) and the Regulations of the Hanover Board of Health with a plan stamped and signed by a professional land surveyor and a professional engineer registered in the Commonwealth to be supplemented as appropriate by items listed below.

Plans for an ADDITION, APPURTENANT STRUCTURE, INGROUND POOL, RE-GRADING & IMPERVIOUS SURFACE, need not be engineered but shall approximate requirements and include the following information: (see next page)

DEPICT AND LABEL:

- a. Scale: 1 inch equals 20 feet or greater
- b. Contour lines at intervals no greater than 2 feet
 - Existing (in black) _____
 - Proposed (in black) _____
 - Wetland line (in blue) _____
(include the **name** of the person responsible for the delineation and the **date** it was performed)
 - Limit of construction line (in red) _____
 - buffer line (in green) _____
 - Floodplain line (in orange) _____
 - Proposed wetlands fill area (shaded in green)
 - Compensatory and/or replicated area (shaded in yellow)

- c. Man-made features such as but not limited to: Street & Number, Assessor Plan & Lot Number; Builder Lot No., Property lines and their distance from structures etc. Existing and proposed structures above & below ground including but not limited to - pools, driveways, wells, storage tanks, stone walls, septic system, drainage ditches arrow showing direction of flow; rights-of-way and easements; Aquifer or Well Protection District, 100-year floodplain or any change of zoning district; and buffers.
 - d. Existing and proposed natural features such as but not limited to: red-maple swamp, wet meadow, wooded area, specimen trees, pond, brook arrow showing flow direction, ledge, and stone outcroppings on lot or abutting lot as pertinent to project.
 - e. Temporary or permanent location of excavated soils and erosion barrier.
 - f. Title block with owner, street name and No., Assessor Plan & No., Builder Lot No. and date of submission. (IF AN OLD PLAN IS BEING REUSED, UPDATE WITH CURRENT DATE & INFORMATION, NEW TITLE ETC. DELETING OBSOLETE INFORMATION)
2. PLANS FOR SUBDIVISIONS - roads & drainage only. A separate filing is required for development of each individual lots.

Only Definitive Subdivision Plans meeting the Hanover Planning Board's most recent requirements shall be submitted to be supplemented as appropriate by items listed below.

Detention Basins shall be designed according to Section VII.F. of these Regulations.

DEPICT AND LABEL:

- a. Scale: 1 in. = 40 feet or greater
- b. Contour lines at intervals no greater than 2 feet*
 - Existing shown in dashed lines (black) _____
 - Proposed shown as follows: (in black)_____
 - Wetlands line with numbered flags (in blue)_____
 - (include the **name** of the person responsible for the delineation and the **date** it was performed)
 - Limit of construction line. (in red) _ _ _ _ _
 - buffer line (in green)
 - floodplain line (in orange)
 - proposed wetlands fill area (shaded in green)
 - compensatory and/or replicated area (shaded in yellow)
- c. 100-year Floodplain, Well or Aquifer Protection District (noting any land set aside to meet lot size therein), or other zoning districts, any land to be donated to the Conservation Commission - on the lot or abutting lots, as well as all buffers for this project.

- d. Existing natural features including but not limited to: grades*, streams (including intermittent), ponds, isolated land subject to flooding, vernal pools even if not registered, swamps, wet meadows, specimen trees or tree line of wooded areas, notable ledge or rock outbreaks of the lot in question and abutting lots. (The latter shall be sufficiently detailed in the opinion of the Commission as to enable them to make reasoned judgments as to the impact of off-site features to the proposal and/or to prevent inadvertent alteration off-site.)
- e. Existing man-made features - above and below ground - including but not limited to buildings, foundations, fences, stone walls, wells, utilities, junk cars or other noticeable dumping, storage tanks, septic systems etc.

*Elevations and contours surrounding critical areas such as brook crossings, locations of detention basins, wetlands etc. shall be determined from field survey done no more than one year prior to filing with the Commission.

- f. All proposed below-ground alterations and structures, including but not limited to, utility lines, watermains, stormwater drainage system and structures, storage tanks. and wells.
- g. All proposed above-ground alterations and structures including but not limited to as roadways, stormwater runoff facilities, i.e., detention basins, swales either grassed or stone-lined with the locations of tests pits for soil and groundwater conditions done in compliance with VII 2. b & c; bridges, brook-crossings; filling and re-grading; wetland, floodplain or wildlife habitat; replication areas and easements and rights-of-ways.
- h. Location and type of temporary and permanent erosion control devices and measures.
- i. Amount and location of wetlands, floodplain, and/or wildlife habitat to be altered. (study/report)
- j. Dimensioned details (plan & profile) of all drainage structures, pipes, rip-rap, concrete, or grassed swales, overflow spillways, earthen dikes etc.
- k. If wetland replication is proposed wetlands replication plan(s) shall be required. Said plan(s) shall include but not be limited to existing contours, existing resource boundaries, proposed grading, proposed plantings and proposed stock-piling areas.
- l. NOTES: In addition to notes typical to subdivision plans, specific notes will be added to the sheet containing the detention basin or leaching facilities for stormwater drainage and/or showing replication areas. These notes shall include but not be limited to the procedures and sequence for replicating each altered resource area; adequate inspection and monitoring breaks; amounts, depths, and types of soils, fertilizers, peat moss or other soil enhancers; species, number and location of trees, shrubs, seed, groundcover plants and/or seeds; mulches; and erosion control measures both temporary and permanent. Specific instructions for installing, planting, or applying the foregoing. Also post-construction monitoring of

each replication area by Applicant for a minimum period of four years or until it meets the applicable performance standards of 310 CMR 10.55 through 10.60. (These are a minimum standard; stricter requirements may be put in the Order of Conditions issued by the Commission.)

3. SITE PLANS - OTHER THAN FOR A SINGLE FAMILY HOUSE

Plans for sites other than for a single family dwelling shall meet the most recent submission requirements for the Hanover Planning Board and the Hanover Board of Health. Design of detention basins shall be according to VII.F, of these Regulations and other Hanover By-Laws.

Requirements are the same as Section 2, Plans for subdivisions.

F. GUIDELINES FOR DETENTION/INFILTRATION BASINS

1. Purpose

- a. Control rate and volume of stormwater runoff.
- b. Provide groundwater recharge.
- c. Improve quality of stormwater.

2. Why the need for basins?

- a. Impervious surfaces associated with land development (i.e. roads, parking areas and building roofs) replace natural ground cover, thus reducing groundwater recharge. Replacement of natural ground cover with impervious surfaces increases the rate and volume of stormwater runoff. RESULT: Potential flooding downgradient from development site.
- b. Land development generates pollution.
 - 1) Motor vehicle "droppings" (oil and gasoline).
 - 2) Lawn fertilizer chemicals.
 - 3) Sediment deposition from soil erosion.
 - 4) Sand and salt from winter roadway treatment.
 - 5) Domestic animal feces.
- c. Land development destroys natural vegetation (including trees). With vegetation no longer available to control build-up of pollutants (i.e. nitrate, phosphorus, carbon, suspended soils and heavy metals) stormwater transports sediments and pollutants to nearest water course. RESULT: deterioration of wetlands and pond-water quality.
 - 1) Sediment destroys wetlands vegetation.
 - 2) Nitrate, phosphorus and carbon encourage weed growth in ponds.
 - 3) Oil scum chokes off oxygen which impairs aquatic life.
- d. Proper basin design addresses the need to prevent increase in the rate and volume of runoff, to maintain groundwater recharge and to remove

stormwater runoff pollutants. DEP Stormwater Management Policy provides design guidelines.

3. Types of Basins:

a. Infiltration:

Provides storage for stormwater to recharge groundwater by infiltration. Should be designed to retain all stormwater runoff. Infiltration basins require pervious underlying soil.

b. Detention:

- 1) Provides storage for retardation of stormwater to prevent rate of post-development runoff from exceeding pre-development rate.
- 2) Although part of the stormwater entering a detention basin infiltrates into the ground, this type of basin is designed to release all water to a downgradient water course or wetland. Proper design of detention basin outlet control works is of the essence.

c. Both infiltration and detention basins should incorporate:

- 1) Emergency overflow spillways to handle:
 - a) Unanticipated stormwater runoff.
 - b) Need for alternative flow release with plugged outlet control (detention basins).
- 2) Flowage easements as required.
- 3) Inflow energy dissipaters.

4. Removal of Stormwater Pollutants:

a. Both infiltration and detention basins required pretreatment of stormwater runoff.

- 1) Remove floatable solids (oil and grease scum).
- 2) Remove pollutant-adsorbing suspended solids (sand and silt).

b. Pretreatment usually includes the first two and third or fourth of the following:

- 1) Catchbasins Sumps.
- 2) Hooded Catchbasin Outlets.
- 3) Oil/Grit Separator Tank(s).
- 4) Sediment Forebay (Silt Trap) at head of basin. Sides and bottom of must be constructed of low permeability soil to retard infiltration.

c. Basin treatment for removal of pollutant includes:

- 1) Partial absorption of nutrients (nitrate, phosphorus, carbon and metals) by basin vegetation. (Basin must be vegetated.)
- 2) Additional removal of nutrients by soil particles between basin bottom and groundwater. (Infiltration basin bottom must be at least two feet above maximum groundwater.)

5. Detention Basin Design:

- a. Maximize inlet-outlet distance (for detention).
- b. Low flow channel from inlet to outlet.
- c. Trash rack for outlet.
- d. Refinement of detention basin design includes a dry-wet basin combination to replace dry basin only.
 - 1) Dry (upper) basin provides storage capacity for stormwater retardation.
 - 2) Wet (lower) basin is planted to simulate wetlands, thus increasing vegetative capacity to absorb nutrients.

6. General Design Considerations:

- a. In addition to control of stormwater runoff, basin aesthetics are important.
- b. Maximum basin side slope: 3 on 1.
- c. Avoid box configuration.
- d. Serpentine shape with flat side slopes will convey “natural” appearance vs. “swimming pool”. Basins should be designed to improve visual impact of land development vs. being an “eyesore”.
- e. Proper basin design requires thorough investigation of soil and groundwater conditions by test pitting and percolation testing.

7. Maintenance:

- a. Forebay silt traps - remove coarse sediment (sand).
- b. Basin - remove fine sediment (silt).
- c. Control vegetation.
- d. Identify responsible party.

G. FEES. (SEE ADDENDUM A FOR BY-LAW FEE SCHEDULE.)

Except as exempted in Section 4 of the By-Law, all applications and requests must be accompanied by the appropriate filing fee listed on the By-Law Fee Schedule in place at the time of filing.

H. GUARANTEED DEPOSIT FUND.

1. AUTHORIZATION

Chapter 304 of the Acts of 1985 authorizes the Hanover Conservation Commission to require the Applicant to pay the costs and expenses of any

expert consultant deemed necessary by the Commission to review the application or request.

2. AMOUNT OF DEPOSIT

Applicants filing under By-Law 6-14 in Category 2, 3, 4, or 5 of the By-Law Fee Schedule shall, with submission of the filing, deposit with the Treasurer of the Town funds equal to one percent (2%) of the estimated cost of the project, with a maximum of five thousand dollars (\$5,000.00).

a. Estimated cost for site plans.

For site plans, the estimated cost is of the entire project including building construction.

b. Estimated cost for subdivisions.

For subdivisions "estimated cost" shall mean the estimated cost of land preparation, grading, placement of utilities, and construction of roads and drainage systems.

3. MAINTENANCE & USE OF FUND

a. Billing of applicant.

Commission will mail a copy of each invoice submitted by a consultant. Accompanying it will be a statement of what action, if any need be taken. Meanwhile the applicant has 10 days to question the consultant concerning the invoice.

b. Delay of payment for applicant review of bill.

No such payment shall be directed until 14 days after a photocopy of the bill purporting to represent charges for such services and review has been sent, by first class mail, to the applicant. If the applicant disputes the amount, the bill shall be reconsidered by the Conservation Commission and its decision will prevail.

c. Payment from the Fund.

The Conservation Commission shall direct the Treasurer to expend such funds to pay for all reasonable design review by its consulting engineer, and/or by other professional persons required to assist the Conservation Commission in determining the adequacy of the submitted plan(s) with regard to MGL Chapter 131, §40 and the Town of Hanover Wetland Protection By-Law #6-14.

d. Reimbursement to fund.

The balance of this account shall at no time be less than one-half the initial deposit; upon notice from the Commission by first-class mail, the applicant shall deposit with Town Treasurer such additional funds as are required to restore the account to the amount of the initial deposit.

However, no applicant will be required to make a total deposit exceeding ten thousand dollars (\$10,000).

e. Return of remaining funds

Within 21 days of issuance of a Certificate of Compliance, all remaining funds shall be returned to the applicant.

4. OTHER REQUIRED DEPOSITS

The Conservation Commission may require similar deposits for other classes of filings if the submitted plan(s) require design review by its consulting engineer or other professional persons (i. e. for supervision and monitoring of replication). If a deposit is required for a Request for Determination, all remaining funds shall be returned to the Applicant within 21 days of issuance of an Occupancy Permit by the Building Inspector.

VIII. REGULATIONS FOR SECTION 5 OF BY-LAW #6-14: "NOTICE AND HEARINGS"

A. SCHEDULING HEARING

1. To ensure meeting the legal ad publication deadline and to enable specific information to be included on the Abutter Notification Form as described in Section 5, the Applicant shall telephone the Commission office to arrange a specific date and time for the By-Law Hearing.
2. The applicant shall have the COMPLETED PLANS, CALCULATIONS, AND WRITTEN DATA, PROOF OF ABUTTER NOTIFICATION ETC. in the Conservation Office no later than 21-days prior to the scheduled hearing.
3. Within two (2) business days of receipt of the application, the Commission shall check the submission for completeness and accuracy. Should the application be found to be INCOMPLETE OR INACCURATE the applicant will be so notified and the 21-day period for scheduling the hearing will not begin until the filing is complete.
4. Should an incomplete submission cause rescheduling, the Applicant shall re-notify all abutters of the changed time and date.
5. Application to the North River Commission is required when work is proposed within 300 feet of the North River/Scenic River.

B. DISTRIBUTION OF HEARING NOTICE.

1. Upon receipt of a complete filing, the Commission will provide a notice of the hearing to a local newspaper for publication.
2. APPLICANT WILL BE BILLED DIRECTLY FOR THE AD BY THE PAPER AND IS RESPONSIBLE FOR PROMPT PAYMENT.

3. In addition to this notice required by Section 5 of the By-Law, the Commission will give notice of the public hearing to:
 - DEP
 - Planning Board
 - Building Inspector
 - Town Clerk
 - Applicant's Engineer
 - Applicant
 - Board of Health
 - Department of Public Works
 - Town Counsel
 - Owner of land (if not applicant)
4. Only if the public hearing is continued to an undetermined date at the request of the applicant, the applicant will be responsible for the cost of re-advertising the legal notice as well as be subject to a fee for the continuance.

C. PUBLIC HEARING FORMAT.

Public hearings shall have the following format:

1. All hearings held by the Commission shall be tape-recorded. Minutes are later typed for the Commission's permanent record and use by the Commission. A copy will be made available within 10 days of receipt of a written request accompanied by a check to the Town of Hanover at the current rate for such a service.
2. Hearing Officer calls hearing to order, reads public notice, and introduces Commission, Agent, and consultants.
3. Applicant introduces himself and agents and submits certified mail receipts or signed abutters list.
4. Applicant presents project.
 - a. A copy of the plan - highlighted for visual clarity may be prepared by the applicant and made clearly visible to the audience.
5. Commissioners, their consultants or agents question applicant.
6. Questions are received through the Chair from Town Boards; then any abutter or resident.
7. Unless it is the only hearing scheduled during the meeting, time for the above procedure shall be limited to one hour. If the Agenda has other scheduled hearings, opening of the next hearing will be delayed no more than 15 minutes.

D. CONTINUING HEARING.

- a. If the Commission determines that additional information is needed to enable them to make a reasoned decision, the Hearing is continued to a date and time agreeable to applicant.
- b. The applicant shall submit additional data to both the Commission and its consultants within 12 business days to enable adequate response to the

Commission by its consultant. The Commission MAY vote to shorten the time should changes be minor.

- c. Should the applicant subsequently realize more time is needed to assemble data, within the 12-day deadline he shall write to the Commission to postpone the hearing indefinitely or to a specific time agreed to by phone with the Commission.

If this request is postmarked after the deadline, a Denial of the project for lack of information will be issued.

IX. REGULATIONS FOR SECTION 6 OF BY-LAW #6-14: "PERMITS, DETERMINATIONS & CONDITIONS"

A. ISSUANCE OF PERMIT or ORDER OF CONDITIONS (OOC) for project.

1. Preamble: An Order of Conditions is designed to allow the proposed construction activity while, at the same time, ensuring that valuable wetlands resources will be protected from either deliberate or accidental damage.

Compliance shall be monitored by periodic visits by the agents of the Commission or by Commission members who shall have the right to enter and inspect the premises to evaluate and ensure compliance with the conditions and performance standards stated in the Order. The Commission will hold the permit recipient to strict accountability for the conditions contained in the Order.

2. Procedures To Follow After Receipt Of Order Of Conditions

a. BEFORE CONSTRUCTION

- 1) Within 20 days of issuance of the Order of Conditions, submit proof of registration to the Commission. NOTE that work may not commence until proof of recording has been submitted!!
Reminder: *Make a copy for your records before you go to the Registry - they will keep the original when it is recorded. Duplicate copies from the Conservation Commission office are charged at 25 cents per page.*

Take your Order of Conditions to the Registry of Deeds in Plymouth, MA and have it recorded with your deed. Send back the form at the bottom of the signature page to the Commission, including the date and instrument number of the recording. It is important to report this recording information to the Commission because it is needed later as part of the completion of the Certificate of Compliance.

- 2) Read each of the Conditions (including the By-Law Order which can be more stringent).

Read and become familiar with your Order and be sure to give copies to the construction foreman, pool contractor or landscaper to avoid their making changes without permission from the Commission. It is

your responsibility as applicant to ensure that they understand the Order and comply with the sequence, including inspections by the Commission and/or its Agent. A copy of the Order should be available on site for all interested parties at all times during construction.

3) Notify the Agent *PRIOR* to the commencement of work.

b. DURING CONSTRUCTION

CHANGES TO THE PLAN OF RECORD FOR THIS FILING, (NO MATTER HOW SEEMINGLY MINOR OR INSIGNIFICANT) MUST BE SUBMITTED ON THE PLAN WITH A REVISION DATE TO THE CONSERVATION COMMISSION PRIOR TO MAKING THE CHANGE IN THE FIELD. BASED ON THE SIGNIFICANCE OF THE CHANGE, THE COMMISSION MAY REQUIRE A NEW FILING OR A REOPENING OF THE PUBLIC HEARING. CHANGES MADE WITHOUT THE PRIOR APPROVAL OF THE COMMISSION CAN RESULT IN A STOP WORK ORDER, AND BE VIEWED AS A VIOLATION WITH A FINE.

c. AFTER CONSTRUCTION IS COMPLETED

- 1) Request a Certificate of Compliance - The Certificate of Compliance should be requested by the applicant (in writing). For all Orders of Conditions issued after October, 1993, there is no fee for the Certificate of Compliance since the fee was included in the Notice of Intent application. For Orders issued prior to October, 1993, a check made payable to the Town of Hanover (in the amount from the Fee Schedule in effect at the time of the request) should accompany the request. Also, other supporting documentation as described in the Order (i.e. an as-built certification from the engineer) should also be submitted with the written request for a Certificate of Compliance. Whenever possible, a site inspection visit will be scheduled prior to the Commission's next regular meeting. Based on the results of the site inspection and other supporting documentation that all work has been completed in compliance with the plan of record (or as-built plan), the Commission (at its regular meeting) will vote to sign and issue a Certificate of Compliance.

NOTE: *Late fees* equivalent to Extension Permit fees will be assessed to any applicant whose request for a Certificate of Compliance is dated more than 3 months after the expiration date of the Order of Conditions.

- 2) Record the Certificate of Compliance at the Registry of Deeds in Plymouth to clear the title from the lien which was imposed by the recording of the Order of Conditions. Send proof of the recording to the Conservation Commission.
3. Hardship by reason of Denial. If an applicant alleges that denial would cause hardship, said applicant must provide credible evidence of same and meet the burden of proof as defined in Section 11 of the By-Law.

4.. Types of Orders

- a. Preamble: Orders of Conditions have been separated into the following categories:

- Residence
- Amended Residence
- Site Plan
- Subdivision
- Municipal Site Plan
- Municipal Roadway & Drainage

The Commission reserves the right to set up any other type including a generic order i.e., for cleaning of brooks.

- 1) Standard Conditions: Within each category of Orders, a standard set of conditions shall be imposed by each Order issued by the Commission. They shall be broken down, for clarification, into:
 - General
 - Prior to Construction
 - During Construction and
 - After Construction
- 2) Special Conditions: Additional conditions will be imposed when applicable and will be so labeled.
- 3) Ongoing conditions: Certain conditions will be on-going, running with the Title and will be so designated.
- 4) Structural, performance, or action Conditions: Conditions may be structural or require a specified standard of performance. Conditions may require submission of documents such as dated work sequence. Each Order will require action by the applicant including posting of a sign with the D.E.P. number in 3" high letters, recording the Order, installing siltation barrier, and requesting a Certificate of Compliance.
- 5) An Order of Conditions issued under the Town By-Law is good for one (1) year from the date of issuance, and must be renewed each year by requesting an Extension Permit. Requests for an Extension Permit must be submitted in writing thirty (30) days prior to the expiration date of the Order of Conditions and must be accompanied by a check made payable to the Town of Hanover in the amount noted in the Fee Schedule. A site inspection and hearing (approval/denial) will be determined at the next Commission meeting.

B. REPLICATION

To prevent wetlands loss, the Commission shall require applications to avoid wetlands alteration wherever feasible; shall minimize wetlands alteration; and where alteration is unavoidable, shall require full mitigation. The Commission may authorize or require replication of wetlands on a 2 to 1 ratio, as a form of mitigation, but only with adequate security, professional design, and monitoring

to assure success, because of the high likelihood of failure of replication. The cost of the necessary monitoring shall be borne by the applicant through the Guaranteed Deposit Account.

C. CERTIFICATE OF COMPLIANCE.

Upon completion of the activity described in the application, the applicant or successor in interest or successor in control of the applicant shall request of the Commission, in writing, that a Certificate of Compliance be issued stating that the work has been satisfactorily completed in compliance with the Order of Conditions or Permit with Conditions. PLEASE NOTE: All consulting fees must be paid in full prior to release of the Certificate of Compliance. Unless exempted in writing by the Commission, said request shall be accompanied by those items listed for the appropriate category of project below:

1. SINGLE FAMILY RESIDENCE.

- a. A letter from the engineer, surveyor, landscape architect, botanist - as appropriate - certifying compliance with the approved plans referenced in the Order of Conditions and setting forth what deviations, if any, exist. If such letter states work to be completed,
- b. Two as-built plans stamped by an engineer or surveyor as appropriate:
 - 1) elevations of all drainage ways pursuant to the Order.
 - 2) elevations of all filled, altered, or constructed resource areas;
 - 3) distances of all structures and alterations within buffer from wetland resource areas.
 - 4) any other elevations or distances the Commission may deem necessary to ensure compliance with the Order, i.e. septic system.
- c. A check to the Town of Hanover for the amount on By-Law Fee Schedule.

2. SUBDIVISION or SITE PLAN.

- a. ONE SET of As-Built Plan: The as-built plan shall be certified by a professional engineer registered in the Commonwealth and/or professional surveyor registered in the Commonwealth, and supervisor of wetland or wildlife habitat replication to the plans of record or specifying how, if it does, the completed work differs from that permitted.
 - 1) Elevations of all drainage ways constructed pursuant to the Order;
 - 2) Elevations of all filled, altered or constructed resource areas;
 - 3) Distances to all structures and alterations within 100' of a resource area;
 - 4) Invert elevations of all inlet and outlet pipes;
 - 5) Compliance regarding percentages of plant species, distribution, loam and seed specifications or other requirements for wetland replication.
 - 6) Any other items required by the Commission in its Order of Conditions.
- b. A check to the TOWN OF HANOVER (refer to By-Law Fee Schedule for amount where applicable). Note that late fees equivalent to Extension

Permit fees will be assessed to any applicant whose request for a Certificate of Compliance is dated more than 3 months after the expiration date of the Order of Conditions.

D. DETERMINATION.

Upon completion of the public hearing for a Request for Determination, the Commission will issue a Determination within 21 days. A site inspection is required at the completion of any project approved by the Conservation Commission under a Determination of Applicability.

E. EMERGENCY CERTIFICATION.

1. Any person requesting to do an emergency project shall specify why the project is necessary for the protection of the health or safety of the citizens of the Town of Hanover and what agency or sub-agency of the Commonwealth of Massachusetts is to perform the project or has ordered it to be performed. If the project is certified to be an emergency by the Conservation Commission, the certification shall include a description of the work which is allowed and shall not include work beyond that necessary to abate the emergency. A site inspection shall be made prior to certification. The applicant shall submit a fee for the amount of the By-Law Fee Schedule current at the time of application.
2. An emergency certification shall be issued only for the protection of public health or safety.
3. At the next regular Commission meeting for which public notice can be given, the applicant shall have a public hearing for the emergency project following procedures in Sections of these Regulations but at the discretion of the Commission some requirements may be waived or the Commission may require the filing of a Notice of Intent or require remedial action on the work. In no case shall any filling, dredging, or altering commence prior to any emergency certification or extend beyond the time necessary to abate the emergency.

F. ENFORCEMENT ORDER

1. Preamble. An Enforcement Order may be issued by the Agent, a Commission member, or the Commission. The purpose of enforcement is to secure prompt and continued compliance with the Hanover Wetlands Regulations and Orders of Conditions. The Commission oversees work under Superseding and Final Orders issued by DEP and can issue enforcement orders under them.
2. Ratification of an Enforcement Order. It is the policy of the Commission to issue an Enforcement Order after a vote at a regularly scheduled Commission meeting, unless the violation is of a very serious or emergency nature. If the Order is issued otherwise, it shall be ratified by the Commission at its next regularly scheduled meeting. The Order will be delivered by certified mail, return receipt or by hand and will contain specifics regarding the violation, required actions deadlines for response.

3. Recipients of an Enforcement Order. A copy of any Enforcement Order will be given to any pertinent Town board or official, to the lessee and lessor or owner of the site where the violation has been observed, the owner of the machine or company whose workers violated this By-Law if not the owner, and to DEP, Southeast Division or other State or Federal agency as appropriate.

G. SIGNATURES

1. All Orders of Conditions (Permits), Determinations of Applicability, Extension Permits and Certificates of Compliance issued must be signed by a majority of the Commission.
2. An Emergency Certificate or an Enforcement Order may be issued and signed by the Conservation Agent or any member of the Commission; to be binding, the document will be signed by a majority of the Commission members at the next regular meeting if not prior.

H. DISTRIBUTION OF PERMITS, DETERMINATIONS ETC. ORIGINAL WILL BE MAILED TO APPLICANT BY CERTIFIED MAIL.

The Commission will give copies of all Orders of Conditions (Permits), Extension Permits and Certificates of Compliance to:

- | | |
|------------------------|------------------------------------|
| • DEP | • Applicant |
| • Planning Board | • Board of Health |
| • Building Inspector | • Department of Public Works |
| • Town Clerk | • Town Counsel |
| • Applicant's Engineer | • Owner of land (if not applicant) |

Any person may receive a copies of the above documents following a written request and payment copying charges.

X. REGULATIONS FOR SECTION 7 OF BY-LAW #6-14: "REGULATIONS"

These Regulations are to achieve the purpose of Hanover Wetlands By-Law #6-14. After public notice and public hearing these Regulations take immediate effect. At any time after public notice and public hearing, the Conservation Commission may amend these Regulations. A legal declaration in a court of law for any portion of these Regulations shall not act to suspend or invalidate the effect of any other portion of the Regulations.

XI. REGULATIONS FOR SECTION 8 OF BY-LAW #6-14: "DEFINITIONS"

For the purpose of these Regulations certain terms and words are herein defined as follows: Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular number; the word "shall" is mandatory and not directory; the word development includes the word construction or to build.

The term vernal pool shall include a confined basin depression which at least in most years hold water for a minimum of two months in the spring and/or summer and which is free of adult fish populations as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Massachusetts Division of Wildlife and Fisheries. Vernal pools are breeding habitat for obligate amphibian, reptile, crustacean, mollusk or insect populations. The presumption that an area may represent a vernal pool shall prevail through a minimum of one spring breeding season, for the purposes of documenting the occurrences of breeding activity or the lack of breeding activity of obligate vernal pool species.

XII. REGULATIONS FOR SECTION 9 OF BY-LAW #6-14: "SECURITY"

A. DETERMINATION OF WORK TO BE SECURED: To protect wetlands of the Town of Hanover, a performance "bond" shall be required for:

1. All work within a wetland resource as defined in 131, 40,
2. All work proposed within 35 feet of a wetland,
3. For any work within the 100-foot buffer should the Commission determine security is warranted because of, but not limited to slopes, vegetation, construction methods, weather, time of year, and/or complexity of design.

B. FORM OF SECURITY: For the financial protection of the Town of Hanover, the "performance bond" shall be in the form of a separate savings account established for the Town of Hanover by the Town Treasurer.

1. The amount required will be written in the Order of Conditions or on a separate written form following issuance of the Order.
2. The applicant shall supply the Town Treasurer with a certified bank check (including the applicant's Social Security number) for the designated amount, with a copy of the written statement designating purpose and amount of security.

C. METHOD FOR USING ACCOUNT:

If during inspections of the work-site, the Agent, a consultant of the Commission, or Commissioner notices that the applicant is not adhering to his dated construction sequence and a majority of the Commission determines the applicant's inaction threatens the wetlands resource, the following action shall take place to be paid for from the security savings account by the Treasurer upon receipt of invoices from the contractor through the Commission.

The applicant shall be notified of the problem. If his response is not satisfactory to the Commission, it shall take action at the site as follows:

1. Emergency measures to protect wetland,
2. Long-term wetland protective measures,

3. Completion of all work within the area described above according to the plan of record, or
4. A combination of the above.

D. RETURN OF ACCOUNT TO APPLICANT

1. Upon issuance of a Certificate of Compliance, the Commission shall notify the Treasurer that he shall close the account and return the money to the applicant.
 - a. If no money has been withdrawn from the security account, the Treasurer shall supply the Commission with an invoice showing balance to be returned to the applicant. The invoice shall be signed by the Commission at its next regularly scheduled meeting and processed by the Accounting Department.
 - b. If it had been necessary for the Commission to use money from the account, the same procedure shall be used to return any amount remaining to the applicant.

**XIII. REGULATIONS FOR SECTION 10 OF BY-LAW #6-14:
"ENFORCEMENT"**

- A. CRIMINAL PROSECUTION: as described in By-Law.
- B. NON-CRIMINAL DISPOSITION.

**XIV. REGULATIONS FOR SECTION 11 OF BY-LAW #6-14:
"BURDEN OF PROOF"**

**XV. REGULATIONS FOR SECTION 12 OF BY-LAW #6-14:
"RELATION TO WETLANDS PROTECTION ACT"**

**XVI. REGULATIONS FOR SECTION 13 OF BY-LAW #6-14:
"SEVERABILITY"**

If any provision of this regulation is declared invalid by a court of competent jurisdiction, such invalidity shall not affect any remaining provisions of this regulation. Any state law or modification of an existing amended law shall automatically be brought into conformity with new or amended law and shall be deemed to be effective immediately, without recourse to a public hearing and customary procedures for amendment or repeal of such regulation.

END OF REGULATIONS